



MONTANA STATE HOSPITAL POLICY AND PROCEDURE

LEAVE POLICY

Effective Date: August 28, 2006

Policy #: HR-03

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- I. PURPOSE:** This policy provides uniform guidelines throughout Montana State Hospital for administering leave requests.
- II. POLICY:** All leave requests and absences will be processed according to this policy and any applicable Montana Operations Manual policy, Department of Public Health and Human Services policy, and applicable union contracts.
- III. DEFINITIONS:**
 - A. MCA – Montana Code Annotated
 - B. MOM – Montana Operations Manual
 - C. ARM – Administrative Rules of Montana
 - D. DPHHS – Department of Public Health & Human Services
- IV. RESPONSIBILITIES:**
 - A. All employees will adhere to Attendance / Leave Policy as outlined.
 - B. Supervisors are responsible for the approval process of all leaves.
- V. PROCEDURE:** A leave request form must be filled out to cover any scheduled hours not worked. This includes pre-approved leave and leave authorized over the phone such as sick leave, leave without pay, or vacation/holiday time. Accrued leave time may not be used in the same pay period in which it is earned. Leave request forms must be submitted to and approved by the immediate supervisor prior to the end of the pay period. Direct care nursing staff will submit leave request forms to Staffing Services for approval prior to the end of the pay period. Absences for which an approved leave request form is not submitted are considered unauthorized, will not be approved for pay, and may be grounds for disciplinary action.
 - A. SICK LEAVE: "Sick leave" means, as provided in 2-18-601 M.C.A., "a leave of absence with pay for a sickness suffered by an employee or a member of the employee's immediate family or for a permanent state employee who is eligible for parental leave under the provisions of 2-18-606."

Sick leave will be granted, accrued and cashed-out upon termination according to the current MOM Policy 03-0310. Use of sick leave credits is not guaranteed in any instance; EACH REQUEST WILL BE JUDGED ON ITS OWN MERITS according to

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this policy, MOM Policy 03-0310, ARM 2.21.122 through 155, and DPHHS policy. In addition, Montana State Hospital employees will comply with the following:

1. Each supervisor shall determine to the best of his/her ability that sick leave requests are justified before approved, per ARM and DPHHS Policy.
2. Sick leave requests for medical/dental/treatment appointments must be approved by the supervisor in advance, unless the appointment is of an emergency nature.
 - a. The amount of sick leave approved for an appointment should be based on geographical location of the appointment and the type of appointment. Requests should indicate the geographical location of the appointment.
3. Sick leave request for funeral attendance must be approved by the supervisor in advance.
 - a. The amount of sick leave approved for funeral attendance should be commensurate with the geographical location of the funeral.
4. Employees who fail to request sick leave in advance may be denied sick leave for that date, unless mitigating circumstances exist, such as, unplanned hospitalization, an injury or illness which debilitates the employee or an immediate family member that requires care, or a death in the immediate family.

Nursing personnel must call the Staffing Office to report off at least four (4) hours prior to the start of their shift. All other employees must report off by contacting their immediate supervisor during working hours as far in advance as is possible.

An individual who calls off sick must provide an estimate of the duration of the illness or call in again prior to the beginning of each shift. If the illness lasts longer than the estimated time, the individual must call in again at the end of the estimated period. Individuals who call off must also provide their supervisor or staffing with a general description of the reason for their absence so that time off can be charged to the proper leave category. Sick leave can only be used for the purposes set forth in the Montana Operation Manual. Sick leave will not be authorized for "personal business."

Calling in sick will excuse an employee only for the days he/she estimates will be needed as sick leave. If an employee does not have enough leave credit to cover the duration of an illness a leave of absence without pay must be requested to cover the days which exceed accrued leave. Annual, holiday, or comp time may be substituted for sick leave. Holiday leave must be used on a recognized holiday.

Employees who fail to request and receive approved leaves of absence without pay when the number of days off needed will exceed accrued leave are on unauthorized leave and may be subject to disciplinary action. Employees who do not either call in prior to the beginning of each shift or provide an estimated duration at the time of their first call off will be denied sick leave and will be subject to disciplinary action. Employees who fail to call off in the event they will need more leave than their original estimate will be denied additional sick leave and will be subject to disciplinary action.

Employees who, without prior notice, report to work late because of an illness may be denied the opportunity to work that shift.

Nursing personnel must call the Staffing Office four (4) hours prior to the start of their shift and indicate that they will return to work. All other personnel must call their supervisor during working hours as far in advance as possible to indicate their return day and time.

Failure to do so as indicated above may result in an employee being sent home on leave without pay until the start of the employee's next regularly scheduled shift.

5. Supervisors may not require "automatic" medical documentation, such as requiring medical documentation for any absence in excess of a certain number of days. Medical documentation is only required when there is a suspicion of sick leave abuse.
6. Employees who are on sick leave may be required to obtain a release before returning to work. This requirement will be communicated to the employee prior to his/her return to work via telephone or in writing.
7. Employees on Worker's Compensation must furnish a release before returning to work.
8. Employees may be required to leave work if they become ill or are injured during shift, which results in their inability to perform the work required in their position, and may be required to obtain a release before returning to work.

Transportation home or to a doctor's office or hospital may be provided by the hospital if the immediate supervisor deems it in the best interest of the employee.

9. Employees may be required to leave work, or to stay away from work, if there is reasonable suspicion that they have a contagious disease. The employee may be required to obtain a release before returning to work.
10. Employees who report off sick on a denied day may be required to obtain a release before returning to work.

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11. Sick leave abuse will be dealt with according to DPHHS and Montana State Hospital Policy.

B. ANNUAL LEAVE

There is no guarantee that any annual leave request will be granted at any specific time.

The needs of the hospital and unit will be given first consideration. If the hospital and unit needs are met, the request for annual leave will be administered according ARM, DPHHS, this policy, and bargaining union contracts.

In addition to the requirements of the ARM/MOM and department policies, Montana State Hospital employees will be subject to the following.

1. Annual leave for the purpose of this policy is defined as a continuous leave of ten working days or more, exclusive of regular days off, not to exceed the accrued annual leave credits.
2. When a replacement of a position is required, requests for leave of less than ten working days must be submitted not less than ten days in advance of the leave date. These requests will be granted according to this policy but on a first-come-first-served basis. Leaves of shorter duration will be given secondary consideration to those of a longer time span.
3. Between February 1st and April 15th of each year, a list may be posted on each unit with a calendar attached. During this period, the employees on each shift will indicate three choices for annual leave and note their priority. Annual leave will then be granted by the supervisor according to this policy and any other policy which is applicable and the conditions, if any in the union contract.
4. If a calendar is posted, in addition to the three Leave of Absence Request slips, the employee must sign the annual leave request calendar indicating the dates and preference for those dates for annual leave to begin. Requests will be given every consideration in accordance with this and all applicable policies.
5. Where duplicate requests are made, seniority will be used as a tiebreaker, ie, the most senior, using date-of-hire seniority date, will be granted, if possible, the dates requested. If there is a tie on seniority, the earliest dated request will break the tie.
6. Employees who have requested and received approval for annual leave may submit an alternative request for annual leave if they reject the original approved request. Alternate requests will be governed by this policy, but will not be given priority consideration by the supervisor.
7. Employees who change work location/position are responsible for scheduling their leave with their new supervisor. If they request dates already granted to others at the new work site, the employee must selective an alternative date(s) for annual leave.

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8. Supervisors will respond to annual leave requests no later than one month prior to the date the annual leave is to begin.

C. HOLIDAY LEAVE

1. When replacement of a position is required, requests to have Thanksgiving, Christmas Eve, Christmas Day, New Year's Eve and New Year's Day, off on annual leave or holiday leave, must be submitted no sooner than October 1st, nor later than November 1st. The following factors will be given priority consideration in the following order, when considering these requests: a) adequate staffing, b) who had the day off last year, and c) seniority.
2. Employees who are scheduled to work on a holiday and who report off sick because of personal illness or that of a family member, may be required to provide a physician's statement before sick leave requests will be considered for approval or denial. This will be determined by the pattern of sick leave usage established by the employee.
3. An employee who is scheduled to work on a holiday and fails to report will be given a three-day suspension without pay, at a time determined by management. No holiday time will be accrued.

D. EMERGENCY LEAVE:

Emergency leave will be handled on a case-by-case basis, by the hospital administration, and may be charged to leave without pay, compensatory time, annual leave, or sick leave, whichever is deemed appropriate and approved by the supervisor.

E. MATERNITY LEAVE/FAMILY/MEDICAL LEAVE:

Requests for maternity leave will be governed by the current Administrative Rules of Montana, 24.9.1201 through 1207 and any applicable DPHHS or MSH policy and the Family and Medical Leave Act of 1993. Requests for family/medical leave will be governed by applicable department policy and current administration rules.

F. DISASTER AND EMERGENCY LEAVE:

Requests for disaster or emergency leave will be governed by 2.21.305 through 311, Administrative Rules of Montana, any applicable DPHHS policy and Montana State Hospital policy, for any disaster declared by the Governor of the State of Montana.

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G. MILITARY LEAVE:

Requests for military leave will be governed by 2.21.410 through 422, Administrative Rules of Montana, any applicable DPHHS policy, and Montana State Hospital policy.

H. JURY DUTY:

Requests for leave for jury duty will be governed by 2.21.501 through 507, Administrative Rules of Montana, any applicable DPHHS policy, and Montana State Hospital policy.

I. LEAVE OF ABSENCE WITHOUT PAY:

Requests for leave without pay will be governed by 2.21.701 through 711, Administrative Rules of Montana, any applicable DPHHS policy, and Montana State Hospital policy.

ONCE A LEAVE REQUEST IS AUTHORIZED AND SIGNED BY A SUPERVISOR, AND PAYROLL CONFIRMS THAT THERE IS ADEQUATE TIME TO COVER THE REQUEST, THE AUTHORIZATION MAY ONLY BE MODIFIED BY THE HOSPITAL ADMINISTRATOR, AFTER CONSULTATION WITH THE EMPLOYEE.

CONFLICT WITH COLLECTIVE BARGAINING AGREEMENTS:
IF A PART OF THIS POLICY CONFLICTS WITH A COLLECTIVE BARGAINING AGREEMENT, THE BARGAINING AGREEMENT SUPERSEDES ONLY THE PART OF THIS POLICY IN CONFLICT.

J. ABSENTEEISM:

Absenteeism is a failure to report for or remain at work as scheduled, regardless of reason. The use of the term "as scheduled" is very significant for this automatically excludes vacation, personal leave, jury duty leave and the like. Leave of this nature are subject to prior approval.

Excessive absenteeism is a most serious problem. It is extremely costly and makes it more difficult for all workers to accomplish their jobs. Excessive absenteeism will result in progressive discipline.

Absence will be viewed, not in terms of days, but as periods of absence or occasions. An occasion is any period of continuous absence for the same reason. For example:

- a. An absence of one day is recorded as one occasion or one period of absence.

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- VI. REFERENCES:** Montana Codes Annotated, Montana Operations Manual, Administrative Rules of Montana, MSH & DPHHS Policies, & Union Contracts.
- VII. COLLABORATED WITH:** Director of Nursing Services and Hospital Administrator.
- VIII. RESCISSIONS:** #HR-03, *Leave Policy* dated September 1, 2002; #HR-03, *Attendance – Leave Policy* dated May 20, 2002; H.O.P.P. No: 12 – 04A 082779 *Attendance/Leave Policy* date of origin 6/13/79, last date approved 7/15/93.
- IX. DISTRIBUTION:** All hospital policy manuals
- X. REVIEW AND REISSUE DATE:** August 2009
- XI. FOLLOW-UP RESPONSIBILITY:** Director of Human Resources
- XII. ATTACHMENTS:** None

_____/_____/_____
Todd Thun Date
Director of Human Resources